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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/955,956	09/20/2001	Nirisoa Collin	Q66244	9982

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EXAMINER

TRAN, NGHI V

ART UNIT	PAPER NUMBER
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2151

DATE MAILED: 10/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/955,956

Applicant(s)

COLLIN ET AL.

Examiner

Nghi V. Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07/20/2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is in response to the amendment filed on July 20, 2006. Claims 1-3 and 5-6 have been amended. No claims have been canceled. Therefore, claims 1-6 are presented for further examination.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1 and 6 are rejected under 35 U.S.C. 102(e) as being anticipated by Sharma et al., United States Patent Number 6,839,514 (hereinafter Sharma).

4. With respect to claims 1 and 6, Sharma teaches a method of managing protection resources in a communication network [see abstract and figs.6-9] wherein signaling is sent from a sending end to a receiving end, enabling allocation of protection resources to active resources [col.7, lns.44 through col.8, ln.57] and including a step of:

- establishing a resource organization made up of protection groups controlling switching between active resources and protection resources by means of

connection points [col.3, ln.38 through col.4, ln.5 and col.7, lns.44 through col.8, ln.57], wherein said organization includes at least one of

- (i) groups comprising protection resources associated with only a specific one of a sending and receiving direction [figs.8A and 9A-O] and
- (ii) groups comprising active resources using protection resources associated with only a specific one of a sending and receiving direction.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sharma as applied to claim 1 above, and further in view of Hwang, U.S. Patent Application Publication No. 2001/0038478 (hereinafter Hwang).

7. With respect to claim 2, Sharma does not explicitly show said organization or information model includes a dedicated unidirectional protection group at the receiving end and a dedicated unidirectional protection group at the sending end, each of said unidirectional protection groups using different protection resources and commanding their use independently of each other.

In a communication method, Hwang suggests said organization or information model includes a dedicated unidirectional protection group at the receiving end and a dedicated unidirectional protection group at the sending end, each of said unidirectional protection groups using different protection resources and commanding their use independently of each other [fig.7 and paragraphs 0012-0016 & 0065-0067].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Sharma in view of Hwang by including a dedicated unidirectional protection group at the receiving end and the sending ending because this feature has a high isolation function when the optical signals are reflected [Hwang, see abstract]. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated in order to reduce a large insertion-loss when applied to multi-wavelength applications [Hwang, paragraph 0011 and 0070].

8. With respect to claims 3 and 5, Sharma does not explicitly show characterized in that the two unidirectional protection groups each have specific and distinct characteristics and switching configurations, all the terminals or connection points of the dedicated protection group at the receiving end being receivers and all the terminals or connection points of the dedicated protection group at the sending end being senders.

In a communication method, Hwang discloses characterized in that the two unidirectional [fig.7] protection groups each have specific and distinct characteristics and switching configurations, all the terminals or connection points of the dedicated protection group at the receiving end being receivers and all the terminals or connection

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points of the dedicated protection group at the sending end being senders [paragraphs 0012-0016 & 0065-0067].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Sharma in view of Hwang by characterizing the two unidirectional protection groups because this feature has a high isolation function when the optical signals are reflected [Hwang, see abstract]. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated in order to reduce a large insertion-loss when applied to multi-wavelength applications [Hwang, paragraph 0011 and 0070].

9. With respect to claim 4, Sharma further teaches each protection unit being connected to a reliable resource and an unreliable resource [pages 156-157].

However, Sharma does not explicitly show characterized in that each of the unidirectional dedicated protection groups contains protection units and protected units, each protection unit being connected to a reliable resource and an unreliable resource.

In a communication method, Hwang discloses characterized in that each of the unidirectional dedicated protection groups contains protection units and protected units, each protection unit being connected to a reliable resource and an unreliable resource [paragraphs 0012-0016 & 0065-0067].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Sharma in view of Hwang by including a dedicated unidirectional protection group at the receiving end and the sending ending

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because this feature has a high isolation function when the optical signals are reflected [Hwang, see abstract]. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated in order to reduce a large insertion-loss when applied to multi-wavelength applications [Hwang, paragraph 0011 and 0070].

Response to Arguments

10. Applicant's arguments with respect to claims 1-7 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nghi V. Tran whose telephone number is (571) 272-4067. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on (571) 272-3939. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nghi V Tran
Patent Examiner
Art Unit 2151

September 07, 2006


RUPAL DHARIA
SUPERVISORY PATENT EXAMINER